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HOUSE BILL 3362 By
Chumney

SENATE BILL 3352
By Cohen

AN ACT to amend Tennessee Code Annotated, Title 37, Chapter 5, Part 1, relative to independent living facilities licensed or approved by the department of children's services for certain children and youth.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 37-5-109, is amended by designating the existing language as subsection (a), and by adding the following language as a new, appropriately designated subsections:

(b) Notwithstanding any provisions of subsection (a) or any other law to the contrary, before the department of children's services may issue a license, other than a renewal license, or certificate to operate or expand a facility for independent living for children in state custody or at risk of entering state custody, the applicant for the license, certificate, or expansion of such independent living facility shall, at the applicant's expense:

(1) conduct a public hearing on the application in accordance with the department rules after notifying the department of the date, time and location of the hearing; and

(2) publish notice of the application in a newspaper of general circulation in the community in which the facility is proposed to be provided.

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(c) The notice required by subsection (b)(2) must be published at least ten (10) days before the date of the public hearing required by subsection (b)(1) and must include:

- (1) the name and address of the applicant;
- (2) the address at which the facility is proposed to be provided;
- (3) the date, time, and location of the public hearing;
- (4) the name, address, and telephone number of the department as the licensing authority;

(5) a statement informing the public that a person may submit written comments to the department concerning the application instead of or in addition to appearing at the public hearing;

(d) The department shall require a representative of the department to attend the public hearing in an official capacity for the purpose of receiving public comments on the application.

(e) Before issuing a license or certificate described by subsection (b), the department shall consider:

- (1) the amount of local resources available to support residents proposed to be served by the applicant;
- (2) the impact of the proposed facility and services on the community and the effect on opportunities for local interaction for the residents proposed to be served by the applicant.

(f) The department may deny the application if the department determines that granting the application would have a significant adverse impact on the community and would limit opportunities for social interaction for the residents proposed to be served by the applicant.

(g) The provisions of this act do not apply to independent living facilities licensed by the department of mental health and mental retardation.

(h) As used in this act unless the context otherwise requires:

(1) "Department" means the department of children's services.

(2) "Facility" means a facility, that is to provide its resident occupants with independent living .

(3) "Resident" means the children or youth who are occupants of the facility.

SECTION 2. (a) The department of children's services shall develop methods for evaluating and assessing the effectiveness of the department's and contractor's independent living programs and services. Such evaluation shall include, but not be limited to:

(1) Short-term outcomes such as skills learned or not learned to aid the department in identifying teaching materials or methods that need to be improved and additional training that staff or other caregivers need; and

(2) Long-term outcomes to aid the department to:

(A) focus its resources on those programs that are most effective;

and

(B) identify independent living issues more effectively, including, but not limited to, additional support for vocational and apprenticeship programs and additional instruction in parenting skills.

(3) The impact on the degree of effectiveness of a program regarding the number of youth serviced in a facility, apartment building or other residential setting.

(4) The impact of the location of each facility on the community where it is placed.

(5) In making its evaluation under this subsection, the department should obtain feedback from youth who have left state custody.

Upon completing such evaluation, the department shall report its findings and recommendations to the governor and to the general assembly.

(b) No licenses or certificates issued by the department of children's services for independent living facilities, other than a renewal license or certificate, to operate or expand a facility for independent living for children in state custody or at risk of entering state custody, shall be issued or approved by such department until the evaluation required by subsection (a)(1), (3), (4) and (5) has been completed by the department of children's services and filed with the general assembly.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.